THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1287 OF 2003

DATED 16.11.2005

BETWEEN

S.Krishna Murthy, S/o late S.Koteswara Rao,

6-4-8/B, Bheemavari Street, Bapatla. Guntur District.

… Petitioner

And

The Chief Secretary, Government of A.P.,

Secretariat, Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1287 OF 2003

ORDER:

The petitioner is allegedly resident of a residential house in Bheemavari Street, Bapatla. He alleges that on 18.1.2003, the second respondent sent the officials, who asked the petitioner to demolish half of the portion of the house for the purpose of road widening. The petitioner refused to do so and approached this Court.

This Court while admitting the writ petition on 23.1.2003 stayed the demolition for a period of four weeks. Subsequently, as the W.P.M.P. was not properly pursued, the same was dismissed on 30.7.2004. Be that as it is, there is no denial of the allegation that the respondent Municipality did not issue any notice. Therefore, the writ petition is disposed of observing that unless and until due process of law is followed, the petitioner cannot be evicted and deprived of his right to enjoy the property.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 16, 2005.

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